

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13770 of the Gospel Mission, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use all floors and basement of the subject premises for SP-2 office uses and for a variance from the off-street parking requirements (Sub-section 7202.1) in an HR/SP-2 District at the premises 477 H Street, N.W., (Square 517, Lot 20).

HEARING DATE: June 16, 1982

DECISION DATE: June 16, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located at the northeast corner of the intersection of 5th and H Streets and is known as premises 477 H Street, N.W. It is zoned HR/SP-2.

2. The subject property is 32.5 feet wide and 100 feet deep. It is improved with a three-story building containing approximately 8,000 square feet of gross floor area. The subject building was constructed in 1920 and occupies 100 per cent of the lot.

3. The building is presently used by the Gospel Mission as a center for distribution of clothing to the indigent. The Gospel Mission desires to sell the subject property due to financial pressures and plans to move its clothing distribution center to its location at 808 5th Street, N.W.

4. Uses surrounding the subject site include the D.C. Lung Association, law offices, the Judiciary House Apartments, a cafe, the General Accounting Office, a dry cleaners, a parking lot, a fire house and both single- and multi-family residential units. Immediately north of the site, a hotel-office complex is being developed under a planned unit development approved by the Zoning Commission.

5. The contract-purchaser proposes to renovate the interior and exterior of the existing structure for use as an SP-2 office building. The exterior of the building will be restored as near as possible to its original condition. Renovation of the interior will include providing new mechanical and electrical systems and elevators and constructing two fire stairs which do not exist at present.

6. The total FAR of the site is less than the maximum 3.5 FAR allowed in the SP-2 District for other than residential use.

7. The contract-purchaser does not have a specific tenant at this time but expects that the building will be occupied by a single law firm because of the size of the building and the proximity of the site to the courts enclave.

8. The site is convenient to public transportation with two Metro stations and fourteen bus lines serving the area. The majority of employees are expected to use public transportation. There are commercial parking lots in the immediate neighborhood for use by visitors and employees who drive.

9. The architect, through testimony and drawings, evidenced that the use, height, bulk and design of the building are in harmony with nearby uses and structures and that the proposed use will be generally consistent in intensity and character with adjoining properties. The Board so finds.

10. Due to the 100 per cent lot occupancy by the existing structure on the site, the applicant is unable to provide the four parking spaces required by the Zoning Regulations on the subject lot. Due to the location of bearing walls and columns, the loss of ancillary office and storage space in the cellar, the difficulty in ramping due to the corner location and narrow width of the lot, and the cost, providing parking within the building would cause a substantial practical difficulty upon the owner.

11. The Office of Planning and Development, by memo dated June 11, 1982, recommended that the application be approved. It was OPD's opinion that the application meets the conditions specified in Paragraph 4101.44 and the general purpose and intent of Sub-section 8207.2. The OPD was further of the opinion that the applicant has shown a practical difficulty as required by Paragraph 8207.11 of the Zoning Regulations to obtain a variance of the off-street parking requirements, that such a variance will not have a substantial adverse area impact and that this variance can be granted without impairing the intent, purpose, and integrity of the zone plan for the City. The Board concurs with OPD's findings and recommendation.

12. Advisory Neighborhood Commission 2C made no recommendation in this application.

13. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception and a variance. The granting of the special exception requires that the applicant must demonstrate compliance with Paragraph 4101.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. The Board found in Finding of Fact No. 9 that the use, height, bulk and design of the structure will be in harmony with existing uses and structures on neighboring properties. The use of the structure will not create any dangerous or other objectionable traffic conditions as found in Finding of Fact No. 8.

The Board further concludes that the approval of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to effect adversely the use of neighboring property in accordance with said Regulations and Map.

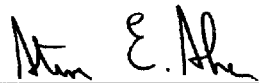
As to the parking variance the Board concludes that the variance requested is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that the existence of a structure on the subject site which occupies 100 percent of the site constitutes an exceptional situation or condition, in that there is no room on the lot to accommodate the four off-street parking spaces required by the Zoning Regulations. The applicant has demonstrated that the strict application of the parking requirement would result in peculiar and exceptional practical difficulties. The Board further concludes that the variance may be granted without substantial detriment to the public good and without substantially impairing the intent and integrity of the Zoning Regulations.

Accordingly it is ORDERED that the application be GRANTED in its entirety.

VOTE: 5-0 (Walter B. Lewis, Douglas J. Patton, Connie Fortune, William F. McIntosh and Charles R. Norris to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: SEP 13 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.